IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 431 of 2000
with
CIVIL APPLICATION No 10519 of 2000

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MANJULABEN CHUNILAL HARPAL

Versus

MADHABHAI THACKERSIBHAI HARPALSINCE DECEASED THRO' HEIRS &LR

Appearance:
1. Appeal from Order No. 431 of 2000
MR MEHTA for MR PV HATHI for Appellant No.
..... for Respondent No. 1
MR RASIK V DAGLI for Respondent No. 1/1-1/7
MR NAVIN PAHWA for M/S THAKKAR ASSOC. for Respondent No. 2-6
RULE SERVED for Respondent No. 2-6

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 13/01/2005

ORAL JUDGEMENT

1. The appellant has by way of this Appeal from Order challenged the order dated 8th November, 2000 passed below application at Exh.36 in Special Civil Suit No. 73 of 1999, now transferred to Dhoraji, whereby, the Trial Court has modified the order dated 10th December, 1999, below Exh.5, restraining the defendants from doing any construction in the area of 97 Sq. mtrs on the southern side and 13 Sq. mts. on the eastern side.

2. While admitting this Appeal from Order, this Court in Civil Application No.10519 of 2000 had directed the parties to maintain status quo. Now, since status quo is operating since 2000, it would be appropriate to direct the parties to maintain status quo till the suit pending before the said Court is finally disposed of. Mr. Mehta learned advocate for the appellant has submitted that if the Trial Court is directed to expedite the suit, the parties can develop the disputed land in question.

3. I have heard the learned advocates for the respective parties and have perused the relevant record. Looking to the facts and circumstances of the case, I am of the opinion that ends of justice would be met if the trial Court is directed to expedite the hearing of the said suit, since the suit is of the year 1999.

4. Therefore, without entering into the merits of the matter, the trial Court is directed to hear and dispose of Special Civil Suit No.73 of 1999 as expeditiously as possible and preferably within a period of two years from the date of receipt of writ of this order.

5. With the above observations and directions, the Appeal from Order stands disposed of. Parties are directed to maintain status quo qua 110 sq mtrs. of land namely the area of 97 Sq. mtrs on the southern side and 13 Sq. mts. on the eastern side, till the said suit is finally disposed of.

CIVIL APPLICATION No. 10519 of 2000

In view of the order passed in the main matter, no orders on this Civil Application. The Civil application stands disposed of accordingly. Rule is discharged.

[K. S. JHAVERI, J.]

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